ESTTA Tracking number:

ESTTA657303 02/23/2015

Filing date:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058287
Party	Plaintiff
	Echo Health, Inc. and Simplicity Payment Alliance, Inc.
Correspondence	KEITH A ASHMUS
Address	FRANTZ WARD LLP
	127 PUBLIC SQUARE, 2500 KEY CENTER
	CLEVELAND, OH 44114
	UNITED STATES
	jniehaus@frantzward.com
Submission	Withdrawal of Cancellation
Filer's Name	James B. Niehaus
Filer's e-mail	jniehaus@frantzward.com, breed@frantzward.com
Signature	/James B. Niehaus/
Date	02/23/2015
Attachments	ECHO-Simplicity - Withdrawal of Petition for Cancellation (2-23-15).pdf(84315 bytes)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Simplicity Payment Alliance, Inc. and	)
ECHO Health Inc.,	) Cancellation No. 92058287
Petitioners,	) Mark: SIMPLICITY HEALTH PLANS ) Registration No. 3,965,689
v.	) Date registered May 24, 2011
QuickPayNet, Ltd. d/b/a	)
Simplicity Health Plans,	)
Registrant.	, )

## WITHDRAWAL OF PETITION FOR CANCELLATION

Petitioners, Simplicity Payment Alliance, Inc. and ECHO Health Inc. ("Petitioners") provide notice to the Trademark Trial and Appeal Board of the express withdrawal of their petition for cancellation of the SIMPLICITY HEALTH PLANS mark (Registration No. 3,965,689), the subject trademark of this cancellation proceeding.

Pursuant to a settlement agreement with Registrant, QuickPayNet, Ltd. ("QuickPayNet"), Petitioners and QuickPayNet have agreed to a trademark co-existence arrangement.

Dated this 23<sup>rd</sup> day of February 2015.

/James B. Niehaus/

James B. Niehaus jniehaus@frantzward.com Bradley D. Reed breed@frantzward.com Frantz Ward LLP 2500 Key Center 127 Public Square Cleveland, OH 44114-1230

216-515-1660 216-515-1650 Fax

Attorneys for Petitioners

## **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 23<sup>rd</sup> day of February 2015, a copy of the foregoing Withdrawal of Petition for Cancellation was served via e-mail and certified U.S. mail upon:

David W. Grillo dgrillo@grilloip.com **David W. Grillo, LLC**13500 Pearl Rd., Suite 139-365
Cleveland, OH 44136

Attorney for Registrant.

/James B. Niehaus/

One of the Attorneys for Applicant